

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1-38. Claims 1, 17-19, 28-31, 35, 36, 37 and 38 have been amended.

In paragraph 1 of the Office Action, the Examiner objected to informalities relating to the “Brief Description of the Drawing” and FIG. 8. In response, the Applicant has added a brief description of FIGs. 8A-8L. FIGs. 8A-8L have been renumbered to FIGs. 8.1-8.25. In addition, paragraph 0037 has been amended to indicate that FIG. 8 is a matrix.

In paragraph 2 of the Office Action, the Examiner objected to the drawings because FIGs. 8A-8C and 8G-L portions are dark and unreadable. In response, the Applicant has corrected the drawings with replacement sheets.

In paragraph 3 of the Office Action, the Examiner stated that if the Applicant desires benefit of a previously filed application under 35 U.S.C. 119(3), specific reference to the earlier filed application must be made in the instant application. In response, the Applicant has added the reference to the specification.

In paragraphs 4 and 5, the Examiner rejected claims 1-35 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner stated that the rejected claims are all directed to an abstract idea not technologically embodied in any physical structure. However, the Examiner suggested that claim 1 be amended to claim the method in the form of a computer implemented method similar to dependent claims 37 and 38. In response, the Applicant

has amended claim 1 to provide a computer implemented method. Therefore, the withdrawal of the rejection and the allowance of claims 1-35 is respectfully requested.

In paragraph 6, the Examiner stated that the information disclosure statement fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. In response, the Applicant is submitting another copy of WO 95/08435 with this amendment.

In paragraphs 7 and 8, the Examiner rejected claims 17-19, 28-32, and 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that claim 17, lines 2-3, "said step of calculating a least material condition or a maximum material condition" lacks a clear antecedent basis. The Examiner also stated that claims 18 and 19 have a similar problem. In response, the Applicant has amended claims 17-19 to provide antecedent basis. In regards to claim 28-30, the Examiner stated that the "material condition modifier" lacks proper antecedent basis. In response, the Applicant has amended claims 28-30 to provide proper antecedent basis. In regards to claim 31, the Examiner stated that it appears to be misdescriptive. In response, the Applicant has amended claim 31 as suggested by the Examiner. In regards to claim 37, the Examiner stated that the claim lacks proper antecedent basis. In response, the Applicant has amended claim 37 to provide proper antecedent basis. Therefore, the withdrawal of the rejection and the allowance of claims 17-19, 28-32, and 37 is respectfully requested.

In paragraphs 9 and 10, the Examiner rejected claims 1, 2, 5, 11, and 38 under U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,323,333 to Johnson (Johnson). The Examiner stated that Johnson teaches a method for allocating tolerances and teaches using worst case, RSS, and MRSS

models, using dimensional loops, applying controls for manufacturing control, and using feature material modifiers.

In response, the Applicant has amended independent claims 1 and 38 to better differentiate Applicant's invention from Johnson. Claims 2, 5, and 11 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1.

Johnson discloses a method for allocating tolerances. Johnson also discloses dimensional loops and applying controls for manufacturing control. However, on the other hand, the Applicant's invention includes the step of *automatically* selecting variation controls based on a determined analysis/allocation method (see paragraph 36). Johnson does not disclose a method which determines an appropriate analysis/allocation method and from that determined method, automatically selecting variation controls. Existing methods, including Johnson, require the manual selection and application of variation controls within an iterative process. In addition, Johnson does not teach a specified methodology for determining tolerances of the plurality of components. Therefore, the withdrawal of the rejection and the allowance of claims 1, 2, 5, 11, and 38 is respectfully requested.

In paragraph 11, the Examiner objected to claim 36 as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the Applicant has amended independent claim 35. Claim 35 was rejected under 35 U.S.C. 101, but has been amended to overcome this rejection. Claim 36 depends from amended independent claim 35 and recites additional limitations in

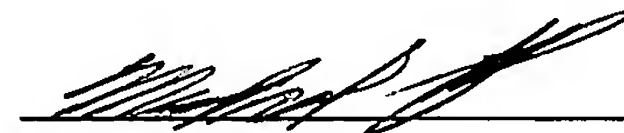
combination with the novel elements of claim 35. Therefore, the withdrawal of the rejection and the allowance of claim 36 is respectfully requested.

In paragraph 12, the Examiner stated that claim 37 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In response, the Applicant has amended claims 35 and 37 to overcome the 35 U.S.C. 112 rejection. Therefore, the withdrawal of the rejection and the allowance of claim 37 is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-38.

Respectfully submitted,



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Amendments to the Drawings:

The attached sheets of drawings include replacement sheets (FIGs. 1-8.30) for all the drawings of the application.

Attachments: 42 replacement sheets